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## FACSIMILE COVER SHEET

**DATE:** December 6, 2005  
**FILE NO:** ROC920010193US3 (IBMK10195)  
**TO:** MAIL STOP AF  
Examiner David R. Lazaro  
**FAX NO:** 1-571-273-8300  
**FROM:** Gero G. McClellan / Jon K. Stewart  
**PAGE(S) with cover:** 3

**RE:**  
**TITLE:** METHOD FOR EFFICIENTLY CONTROLLING SOCKET SERVER SEND  
BUFFER USAGE  
**U.S. SERIAL NO.:** 10/037,595  
**FILING DATE:** January 4, 2002  
**INVENTOR(S):** Michael Edward Baskey et al.  
**EXAMINER:** David R. Lazaro  
**GROUP ART UNIT:** 2155  
**CONFIRMATION NO.:** 6369

Attached for the above-referenced application please find:

NOTICE OF APPEAL and Copy to charge deposit account.

### CONFIDENTIALITY NOTE

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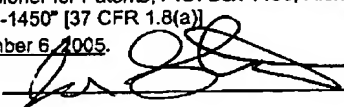
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PTO/SB/31 (04-05)

Approved for use through 07/31/2008. OMB 0651-0031

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<b>NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>		<b>Docket Number (Optional) ROC920010193US3</b>	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on December 6, 2005.  Signature   Typed or printed name <u>Jon K. Stewart</u>		In re Application of <b>Michael Edward Baskey</b>	
		Application Number <b>10/037,595</b>	Filed <b>January 4, 2002</b>
		For <b>METHOD FOR EFFICIENTLY CONTROLLING SOCKET SERVER SEND BUFFER USAGE</b>	
		Art Unit <b>2155</b>	Examiner <b>David R. Lazaro</b>
Applicant hereby <b>appeals</b> to the Board of Patent Appeals and Interferences from the decision of the examiner.			
The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) <b>\$ 500</b>			
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$			
<input type="checkbox"/> A check in the amount of the fee is enclosed. <b>12/07/2005 TL0111 00000033 090465 10037595</b>			
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. <b>01 FC:1401 500.00 DA</b>			
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.			
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<input type="checkbox"/> A petition for an extension of time under 37 CFR 1.138(a) (PTO/SB/22) is enclosed.			
I am the		/Gero G. McClellan, Reg. No. 44,227/	
<input type="checkbox"/> applicant/inventor.		Signature	
<input type="checkbox"/> assignee of record of the entire interest.		Gero G. McClellan	
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)		Typed or printed name	
<input checked="" type="checkbox"/> attorney or agent of record.		336-643-3065	
Registration number <b>44,227</b> .		Telephone number	
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Registration number if acting under 37 CFR 1.34. _____		Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			

☒ \*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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